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A Law Corporation

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Attorney for Plaintiff
PETER G. SEBALA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

PETER G. SEBALA,)	Civil No. 04-00404 SPK-LEK
)	
Plaintiff,)	
)	DECLARATION OF PETER G.
vs.)	SEBALA
)	
JAMES G. ROCHE , DR.,)	
SECRETARY OF THE AIR)	
FORCE,)	
)	
Defendants.)	
_____)	

DECLARATION OF PETER G. SEBALA

I, PETER. G. SEBALA, state that:

1. On 8/27/49 I was born.
2. From 1970 to 1971, with one year and seven months of creditable service, I served in the U.S. Army in the Vietnam War and received an honorable discharge. I was awarded the:

- a. National Defense Service Medal,
- b. Vietnam Service Medal with a Bronze Service Star,
- c. Republic of Vietnam Campaign Medal, and
- d. Sharpshooter (Rifle).

3. From 1967 to 1994 I was employed by the Oahu Sugar Company for 27 years working in tire maintenance and preventative maintenance. I also held the position of Tire Shop Leader with duties including repair and maintenance of tires on all vehicles and equipment in the shop and field; performing scheduled maintenance on all vehicles and equipment including oil and filter changes; inspecting and lubricating chassis components; and conducting training of new employees.

4. On 1/23/02 I received a full-time "temporary" one year appointment as a Mobile Equipment Servicer WG-5806 working at the Hickam Air Force Base in Honolulu, Hawaii.

5. On 8/11/02 my SF-50 rated my performance as a temporary Mobile Equipment Servicer WG-5806 as "[w]ork performance at an acceptable level of competence."

6. On 10/3/02 I received a mid-year Civilian Progress Review Worksheet which rated my work successfully, with a written comment by my immediate supervisor Randall Nunes which stated, "Good Job!"

7. From 3/14/03 to 3/20/03 my Mobile Equipment Servicer WG-5806 position, as a "permanent" status, was posted as a Vacancy Announcement.

8. I applied for the "permanent" Mobile Equipment Servicer WG-5806 position and submitted my resume, which included the work I performed in the "temporary" position right before the Vacancy Announcement was posted.

9. In a letter dated April 7, 2003 I was notified that Christopher Vargas, age 25, was hired for the permanent Mobile Equipment Servicer position instead of me, age 53.

10. Upon receiving Supervisor Randall Nunes letter dated April 7, 2003, I telephoned Supervisor Nunes who told me that he "hired the most qualified person for the job."

11. In April-May 2003, my co-worker Michael Oyadomori informed me that he asked Supervisor Randall Nunes why he hired Christopher Vargas who was inexperienced for the Mobile Equipment Servicer WG-5806 position. Supervisor Randall Nunes replied "[w]ell the guy younger and he's married, got family."

12. In April 2003 I reported the age discrimination to:
- a. Tonya Stels - Hickam Air Force Base Hiring Office,
 - b. Federal Job Information 541-2791 (recording),
 - c. Department of Veterans Affairs,
 - d. Hickam Air Force Base Civilian Personnel Employment Office "Greg",
 - e. Hickam Air Force Base Civilian Personnel Employment Office "Beverly",
 - f. Supervisor Randall Nunes,
 - g. Work Links Veterans Outreach Program, Melody Hudson,
 - h. Labor & Hiring Office, Gill Hough,
 - i. Senator Daniel Akaka,
 - j. Senator Daniel Inouye,
 - k. Congressman Ed Case,
 - l. Congressman Neil Abercrombie.

13. When I telephoned Supervisor Nunes upon receiving the letter informing me that I was not hired, Supervisor Nunes replied, "I hired the most qualified person for the job."

14. While working for Oahu Sugar Company from 1967 to 1994 I worked in tire maintenance and preventative maintenance. I also held the position as Tire Shop Leader with duties including repair and maintenance of tires on all vehicles and equipment in the shop and field; performing scheduled maintenance on all vehicles and equipment including oil and filter changes; inspecting and lubricating chassis components; and conducting training of new employees.

15. Attached hereto as Exhibit B is a true and correct copy of my Notification of Personnel Action effective date 08/11/02.

16 Attached hereto as Exhibit C is a true and correct copy of my DD Form 214.

I, Peter G. Sebala, do declare under penalty of law that the foregoing is true and correct.

DATED: Honolulu, Hawaii, 1/12, 2006.



PETER G. SEBALA